38. (Amended) A system for a user at an automatic teller machine to obtain securities information and transactions, comprising;

means for the user to access the automatic teller machine;

means for the automatic teller machine to prompt the user with an option to perform securities functions;

means for the user to select the option to perform securities functions'

means for the user to select a securities function;

means to determine whether the user has established a linked brokerage account; [and]

means to perform securities functions; and

means to check recent activity of the selected securities function.

REMARKS

CLAIM NUMBERING

Applicant kindly notes the renumbering of filed claims 22-41 to 19-38.

INFORMATION DISCLOSURE STATEMENT

Applicant kindly thanks the examiner for changing the serial number on the PTO-1449 to 08/483,710 (the parent serial number), initialing and returning the IDS submitted on January 12, 1998. Applicant's representatives have changed over to a new docketing system and the submitted IDS is a copy of an old IDS bearing the old docketing numbers.

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Applicant is confused as to the number of IDSs submitted on January 12, 1998. Applicant's records indicate that only one IDS was submitted on that day and not two as asserted by the Examiner on page 2 of the Office Action of September 16, 1999. In addition, only one initialed copy of an IDS was returned by the Examiner attached to the September 16, 1999 Office Action. Also, the Examiner indicated that two separate IDSs (paper numbers 3 and 4) were attached on the Office Action Summary Sheet attached to the September 16, 1999 Office Action. Applicant respectfully requests clarification from the Examiner in the next communication on this issue.

OATH/DECLARATION

Applicant respectfully traverses the Examiner's request for a newly executed declaration.

The present application is a continuation of parent application 08/483,710 and not a continuation-in-part. As such, the filing of a copy of the originally executed declaration is proper. See MPEP § 602.05(a). Unfortunately, a mistake was made in the Request for Corrected Official Filing Receipt filed on May 6, 1998. In that filing, a request was made to change the type of the present application from a continuation to a continuation-in-part. This request should not have been made. The file history supports the conclusion that the present application is a continuation and not a continuation-in-part. First, the Utility Patent Application Transmittal sheet submitted on January 12, 1998 has the box marked "Continuation" checked and not the box marked "Continuation-In-Part" checked. A copy is enclosed for the Examiner's convenience. Second, the specification filed on January 12, 1998 is identical to the specification filed in the parent application such that no new matter has been added to the disclosure of the 08/483,710. Finally, as previously noted, a copy of

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the originally executed declaration in the parent application was submitted with the present

continuing application. See 37 C.F.R. § 1.63(d)(1). In order to be a continuation-in-part application,

a newly executed declaration must be submitted to the patent office wherein the signing inventors

recognize the existence of new matter in the application. Taking all of these factors into

consideration, the file history as a whole reflects the fact that the present application is a

continuation and not a continuation-in-part. Applicant is concurrently submitting with this

amendment a Request for a Corrected Official Filing Receipt to correct this error.

In addition, the mere fact that the inventors forgot to date the declaration is not a flaw

requiring a newly executed declaration. Applicant respectfully refers to MPEP § 602.05 which

states "the Office will no longer require a newly executed oath or declaration . . . where the date of

the execution has been omitted."

DRAWINGS

Applicant notes with appreciation the acceptance of the corrected drawings submitted on

September 16, 1998.

SPECIFICATION

Applicant has deleted the copyright authorization on page 1. By this deletion, the

Examiner's objection to the specification is believed to be rendered moot.

CLAIM OBJECTIONS

The objection to claim 19 is improper. In claim 19, line 10, one of the "securities

function[s]" is the ability to "obtain information." The other "securities function[s]" include "buy

securities" and "sell securities." Thus, a user selects the "obtain information" option from the

plurality of "securities function" options. To further demonstrate this construction, the Examiner is

referred to claim 19, lines 15-16 where the user selects the option of "buy[ing] securities and

sell[ing] securities" from the set of "securities function[s]."

CLAIM REJECTIONS

The rejection of claims 19-37 is rendered moot by the amendment to claim 19 above.

Applicant respectfully traverses the rejection of claim 38 under 35 U.S.C. § 102(e).

Applicant has amended claim 38 to include "means to check recent activity of the selected securities

function." This limitation is not disclosed in the "Trade It Yourself ..." article. Since this limitation

is not disclosed in the "Trade It Yourself ..." article, it follows that claim 38 is patentable over that

article.

CONCLUSION

By the foregoing amendment the pending claims are in condition for allowance and a notice

of such is earnestly solicited. If the Examiner has any questions regarding this application, he is

respectfully requested to contact the undersigned representative.

Respectfully submitted,

Paul SIDIKMAN et al.

Date: _____2/16/00_____   By: _____

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